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PROMOTION AND PROTECTION OF HUMAN RIGHTS

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 January 1999]

GE.99-10788 (E)

1. In December 1998, the General Assembly adopted the Declaration on Human Rights Defenders prepared by the Commission on Human Rights. This is an important and welcome step, but events of the past year only highlight the need for urgent and full implementation of the Declaration and prompt and effective protection for human rights defenders worldwide, including decriminalization of human rights monitoring in countries where citizens are denied this basic right. Below, Human Rights Watch calls the attention of the Commission to the situation of human rights defenders in a few countries.

Colombia

2. Defending human rights remained a dangerous profession in Colombia. In 1998, at least five human rights defenders were murdered, among them government investigators charged with investigating complaints about rights abuses. Among the most dangerous areas in the country for human rights work was Antioquia. On 27 February 1998, three assassins gunned down human rights lawyer Jesús María Valle Jaramillo, president of the "Héctor Abad Gómez" Permanent Committee for Human Rights in Antioquia, in his Medellín office.

3. Less than two months after Valle's murder, three assassins killed human rights lawyer Eduardo Umaña in his Bogotá apartment. Umaña's murder came only a short time after the Commission adopted the draft declaration on human rights defenders. During a strike of State employees on 19 October 1998 Jorge Ortega, vice-president of one of Colombia's largest unions and a human rights defender, was killed. Ortega had been the target of many death threats and had made a final request for government protection the day before his murder. Nevertheless, the Government had delayed providing him with a bodyguard, and Ortega was alone when he was shot by a gunman outside his Bogotá apartment.

4. The Colombian army's Twentieth Brigade continued threatening human rights defenders until shortly before the unit was renamed the Military Intelligence Centre (Centro de Inteligencia Militar (CIME)). Among other things, the Twentieth Brigade supplied fraudulent information to the Attorney General's Office, linking the assassination of a former defence minister to the Intercongregational Commission of Justice and Peace, a respected human rights group. On 13 May 1998, soldiers seized the group's offices. Soldiers concentrated their search on the office of "Nunca Más", a research project sponsored by Justice and Peace that documents crimes against humanity. Soldiers forced employees to kneel at gunpoint, in order, they claimed, to take their pictures, an act more likely intended to inspire terror and evoke a summary execution.

5. In the wake of the Valle and Umaña murders, the Samper administration promised almost US$ 1 million in emergency funds to protect threatened human rights defenders with bulletproof glass, security cameras and reinforced office doors, measures recommended by the National Police. In addition, the Internal Affairs Office (the government agency that investigates reports of official misconduct) agreed to review government intelligence files in order to purge them of information criminalizing legitimate human rights work. However, as of the time of writing, none of these measures had actually been implemented and the head of Internal Affairs Office had yet to begin a review of intelligence files.

6. Human Rights Watch calls on the Colombian authorities to implement the measures it has promised and to take further steps in order to protect the country's human rights community.

Tunisia

7. Few Governments devote as much time as Tunisia to promoting its own human rights image and to silencing citizens who present a more accurate picture. The Government has put intense pressure on human rights defenders, victims of abuses and their relatives to constrict the flow of information concerning serious abuses. The Tunisian Human Rights League (LTDH) remains under heavy police surveillance and LTDH vice-president Khemais Ksila is serving a three-year sentence for having publicly condemned government repression. Officials have restricted the Tunisian Association of Democratic Women and the country section of Amnesty International, organizations that also have dealt with human rights in a demonstrably independent and credible fashion. Prominent human rights lawyers such as Radhia Nasraoui have been singled out for severe harassment: her office was ransacked and case files stolen on three occasions since 1994 and, in March 1998, after she denounced the torture in detention of a group of students, the authorities charged her with working for a "terrorist organization". Other outspoken activists routinely face such measures as withdrawal of passports and constant plainclothes surveillance that is unnerving and intimidates victims and their families who might step forward with direct testimony of abuses.

Egypt

8. In Egypt, State Security Investigation (SSI) closely monitors the activities of the local human rights community. Groups cannot host press conferences or public meetings outside of their own small offices without special SSI permission, which is rarely granted. On 15 October 1998, at 3 o'clock in the morning, police raided the Cairo office of the Arab Program for Human Rights Activists, apparently concerned at APHRA work in support of Khemais Ksila and other Tunisian human rights defenders. On 1 December the State security prosecutor detained Hafez Abu Sa'da, secretary-general of the Egyptian Organization for Human Rights, following EOHR documentation of physical abuse by the police of hundreds of residents of al-Kosheh village, including women and children, in August 1998. The authorities held Abu Sa'da incommunicado until 5 December and released him on bail on 6 December, but that same day called in EOHR lawyer Mustafa Zeidan for questioning. On 7 December, Minister of Interior Habib al-Adly charged that "certain human rights groups" are part of "a slander campaign" against the country, and the authorities have refused to close the investigation.

Syria

9. Syria does not permit human rights defenders to operate inside the country. In 1991-1992, the authorities arrested activists and supporters of the Committees for the Defense of Democratic Freedoms and Human Rights in Syria (CDF), a nascent human rights network. Seventeen were tried in the State security court, in proceedings that did not meet international

fair-trial standards. The court sentenced 14 in March 1992 to prison terms ranging from 3 to 10 years. Nizar Nayouf, the secretary-general of CDF, received the longest sentence.

10. Since 1993, Nayouf has been separated from his imprisoned CDF colleagues and held in solitary confinement in military prisons. He has permanent spinal injuries as a result of torture and suffers from other serious health problems. In September 1998, Human Rights Watch received information that Nayouf was diagnosed as having Hodgkin's disease, a form of lymphatic cancer, but was being denied necessary medical treatment unless he renounces his political beliefs and signs an admission that he made false statements about the human rights situation in Syria. The Government of Syria denies that Nayouf has Hodgkin's disease and contends that he has received proper medical care. However, it has not granted independent doctors access to Nayouf.

11. Human Rights Watch requests the Commission to call on Tunisia, Egypt and Syria to cease their sustained and systematic campaigns to silence and cripple human rights defenders in their countries. Specifically, the Commission should:

(a) Urge the Tunisian authorities to release Khemais Ksila immediately and unconditionally, and to cease its campaign of harassment and repression against human rights defenders;

(b) Urge Egypt to close the files of investigations into the legitimate work of that country's human rights defenders, and to protect the right of those defenders to exercise fully their right to freedom of association and free expression; and

(c) Urge Syria to release immediately and unconditionally Nizar Nayouf and others imprisoned because of their human rights activities, and to restore the long-denied rights of freedom of association and expression.

12. In addition, Human Rights Watch urges the Commission to appoint a new special rapporteur to monitor the implementation of the Declaration on Human Rights Defenders worldwide. The special rapporteur would examine whether national standards and practice conform to the Declaration and could intervene in cases of harassment or persecution of monitors.